

The Honorable Kymberly K. Evanson

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

CYMBIDIUM RESTORATION TRUST,

Plaintiff,

v.

AMERICAN HOMEOWNER  
PRESERVATION TRUST SERIES AHP  
SERVICING; its Trustee, U.S. BANK TRUST  
N.A.; AHP CAPITAL MANAGEMENT, LLC;  
AMERICAN HOMEOWNER  
PRESERVATION SERIES 2015A+; its Trustee,  
U.S. BANK TRUST NATIONAL  
ASSOCIATION; AHP SERVICING, LLC; and  
JORGE NEWBERY,

Defendants.

AMERICAN HOMEOWNER  
PRESERVATION TRUST SERIES AHP  
SERVICING; AHP CAPITAL  
MANAGEMENT, LLC; AMERICAN  
HOMEOWNER PRESERVATION SERIES  
2015A+; and AHP SERVICING, LLC,

Counter-Plaintiffs,

v.

CYMBIDIUM RESTORATION TRUST,

Counter-Defendant.

NO. 2:24-cv-00025-KKE

UNOPPOSED STIPULATED MOTION  
REGARDING BRIEFING CONCERNING  
CERTAIN PENDING MOTIONS

VAK CAPITAL TRUST I,

Intervenor-Defendant and  
Counterclaim and  
Crossclaim Plaintiff,

v.

CYMBIDIUM RESTORATION TRUST,

Counter-Defendant, and

AHP CAPITAL MANAGEMENT, LLC; and  
AMERICAN HOMEOWNER  
PRESERVATION SERIES 2015A+,

Cross-Defendants.

# **I. STIPULATION**

Defendants filed two motions regarding which plaintiff's responses are due this Friday, January 31, 2025. One is Defendants' Motion to Consolidate (Dkt. 115). The other is Defendants' Motion to Continue Trial Date (Dkt. 119). The local rules provide that each of the two briefs that plaintiff could submit in response to those motions should not exceed 4,200 words. LCR 7(e)(2). If plaintiff were to file two separate briefs in response to the motions, plaintiff would have a combined total of 8,400 words for the two responses. Plaintiff, however, is going to be filing one brief that is a combined response to both motions because of the nexus between the issues raised in the motions. Plaintiff's combined response will be less than 5,600 words. Defendants do not oppose plaintiff's response brief addressing both motions being up to 5,600 words.

Defendants intend to file a combined reply brief concerning these same motions that will not exceed 3,200 words. Defendants also request that the due date for their combined reply brief be February 6. Plaintiff does not oppose defendants' combined reply brief being up to 3,200 words, and plaintiff does not oppose that brief being filed February 6.

The parties are unsure regarding whether or how the 4,200 words per brief limit would be applied in these circumstances. The parties therefore jointly request and hereby stipulate to the following relief:

1. Plaintiff's combined response to the Motion to Consolidate (Dkt. 115) and the Motion to Continue (Dkt. 119) (together the "Motions") may be up to 5,600 words.

2. Defendants' combined reply brief regarding the Motions (i) shall be filed by February 6, 2025, and (ii) may be up to 3,200 words.

DATED this 29th day of January, 2025.

BYRNES KELLER CROMWELL LLP

KMA ZUCKERT

By /s/ Bradley S. Keller  
Bradley S. Keller, WSBA # 10665

By /s/ Brian J. Benoit  
Brian J. Benoit (admitted *pro hac vice*)  
227 West Monroe Street, Suite 3650  
Chicago, Illinois 60606  
Telephone: (312) 345-3065  
Email: bbenoit@kmazuckert.com

By /s/ M. Victoria Molina  
M. Victoria Molina, WSBA # 62109  
1000 Second Avenue, 38th Floor  
Seattle, Washington 98104  
Telephone: (206) 622-2000  
Email: bkeller@byrneskeller.com  
mvmolina@byrneskeller.com

CORR CRONIN LLP

*Attorneys for Plaintiff*

By /s/ Jeffrey B. Coopersmith  
Jeffrey B. Coopersmith, WSBA #30954  
1015 Second Avenue, Floor 10  
Seattle, WA 98104  
Telephone: (206) 625-8600  
Email: jcoopersmith@corrchronin.com  
*Attorneys for Defs. American Homeowner  
Preservation Trust Series AHP Servicing,  
AHP Capital Management, LLC, American  
Homeowner Preservation Trust Series  
2015A+ and AHP Servicing, LLC*

## II. ORDER

The parties' stipulated motion is GRANTED.

DATED this 31st day of January, 2025.



Kymberly K. Evanson  
United States District Judge